

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
ABINGDON DIVISION**

*Shawanna Phipps, Pro Se Defendant.*

The defendant, Shawanna Phipps, a federal inmate sentenced by this court, proceeding pro se, has filed a motion seeking a judicial recommendation that she be placed in a residential re-entry center (also known as a halfway house) for twelve months preceding her release. For the following reasons, the motion will be denied.

On February 26, 2018, Phipps was sentenced to a term of imprisonment of 120 months for her conviction for conspiracy to possess with intent to distribute methamphetamine.

I decline to recommend that the BOP amend the manner in which the defendant serves her sentence. The BOP has exclusive statutory authority over a prisoner's place of imprisonment. 18 U.S.C. § 3621(b); *see also United States v. Swisher*, No. 3:11-CR-67 (BAILEY), 2013 U.S. Dist. LEXIS 40190, at \*1 (N.D.

W.Va. Mar. 22, 2013). While the Second Chance Act expands the BOP’s authority to place prisoners in a halfway house, it does not vest that authority in this court. 18 U.S.C. § 3624(c)(1); *see also United States v. Squire*, No. 3:09-502-JFA, 2012 WL 3848364, at \*1 (D.S.C. Sept. 5, 2012). The BOP has sole discretion in deciding whether to place a prisoner in a halfway house, and if so, for how long. *See Woodall v. Fed. Bureau of Prisons*, 432 F.3d 235, 251 (3d Cir. 2005) (holding that the BOP must analyze the five factors in § 3621(b) and “that the BOP may assign a prisoner to [a halfway house] does not mean that it must”). I believe that the BOP is in the best position to make this determination without advice from the court.

Accordingly, it is hereby **ORDERED** that the defendant’s motion (ECF No. 665) is DENIED.

ENTER: August 20, 2018

/s/ James P. Jones  
United States District Judge